

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LAURA LEE JACOBSON,

Plaintiff,

-against-

CIVIL ACTION NO.
16-CV-4809(LDH)(RML)

KINGS COUNTY DEMOCRATIC COUNTY COMMITTEE; JUDICIAL SCREENING COMMITTEE FOR THE DEMOCRATIC PARTY IN AND FOR KINGS COUNTY; Hon. FRANK R. SEDDIO Individually and in His Official and Representative Capacity as County Chair of the Kings County Democratic County Committee; MARTIN W. EDELMAN Individually and in His Official and Representative Capacity as Chairperson of the Judicial Screening Committee for the Democratic Party in and for Kings County; STEVEN R. FINKELSTEIN; STEVE DECKER; ABAYOMI O. AJAIYEoba; and, JOHN AND JANE DOES ## 1-20, so named as their identities are not yet known, intended to represent persons who had access to confidential information and/or records of candidate-Jacobson's screening and results by Judicial Screening Committee for the Democratic Party in and for Kings County pertaining to plaintiff, who disclosed such materials outside of Judicial Screening Committee for the Democratic Party in and for Kings County to Seddio, Kings County Democratic County Committee, Kings County Democratic County Committee's media consultant George Artz, and *inter alia*, members of the public and the media, including, the *New York Post*,

Defendants.

PLAINTIFFS' OBJECTIONS TO DEFENDANTS' BILL OF COSTS

Pursuant to Local Civ. R. 54.1(b), plaintiff Laura Lee Jacobson respectfully submits these timely objections to the October 21, 2019 Bill of Costs and attachments submitted by defendants Abayomi O Ajaiyeoba, Steve Decker, Martin W. Edelman, Steven R. Finkelstein,

and Judicial Screening Committee for the Democratic Party in and for Kings County. (Dkt. 47- 47.1).

The Bill of Costs seeks \$283.56 for what the defendants contend are “[f]ees for printed or electronically recorded transcripts necessarily obtained for use in the case.” (Dkt. 47). The entirety of these transcripts consists of colloquy at two pre-motion conferences concerning the defendants’ then intended motions to dismiss the plaintiff’s complaint.

There was no pre-trial discovery or any trial in this action. Rather, the defendants made motions to dismiss which were granted in an order of the Honorable LaShann DeArcy Hall, U.S.D.J. entered September 29, 2018. (Dkt. 43).

In the Eastern District of New York, “[t]he cost of a transcript of Court proceedings prior to or subsequent to trial is taxable only when authorized in advance or ordered by the Court.” Local Civ. R. 54.1(c)(1). Here, both transcripts were of proceedings that would necessarily be “prior to” trial, there was no authorization for taxation nor an order compelling the defendants to secure either, or both, of the transcripts.

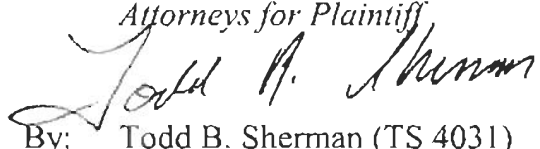
While there was an appeal, the only transcripts taxable for use on appeal without preauthorization by court order are “any part of the original trial transcript that was necessarily obtained for use in this Court or on appeal[.]” Local Civ. R. 54.1(c)(1) (emphasis added). The transcripts at issue are not part of any trial transcript. Moreover, the defendants did not have to secure any transcripts for use on the appeal as it was the plaintiff who prepared the Appellate Appendix, which included the transcripts because co-defendants

Kings County Democratic County Committee and Frank R. Seddio exhibited them to their motion to dismiss.

Here, the “‘Defendants did not seek or obtain advance approval for the cost of securing the transcript, nor was there a Court order directing that the transcript be obtained.’ Accordingly, costs for the pretrial conference transcripts are not allowed.” *Portelos v City of New York*, 2018 US Dist LEXIS 199722, at *8-9 (E.D.N.Y. Nov. 21, 2018), *report and recommendation adopted mas modified on other grounds, Portelos v City of New York*. 12-cv-03141 (LDH)(VMS) (Dkt. 170) (E.D.N.Y. Mar. 15, 2019), *quoting Burchette v. Abercrombie & Fitch Stores, Inc.*, 2010 U.S. Dist. LEXIS 99551 (S.D.N.Y. Sept. 22, 2010). Accordingly, no costs are properly taxed against the plaintiff.

WHEREFORE, it is respectfully submitted that the relief sought by the October 21, 2019 Bill of Costs by defendants Abayomi O Ajaiyeoba, Steve Decker, Martin W Edelman, Steven R Finkelstein, and Judicial Screening Committee for the Democratic Party in and for Kings County should be denied in its entirety.

Dated: October 22, 2019
New York, New York

Respectfully submitted,
THE LAW FIRM OF RAVI BATRA, P.C.
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